

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEVONTE B. HARRIS,

Plaintiff,

v.

D. ARDEN, et al.,

Defendants.

Case No. 1:21-cv-00818-ADA-CDB (PC)

**ORDER LIFTING PREVIOUSLY
IMPOSED STAY**

**ORDER DIRECTING CLERK OF THE
COURT TO ISSUE DISCOVERY AND
SCHEDULING ORDER**

(Doc. 26)

Plaintiff Devonte B. Harris is a state prisoner proceeding pro se in this civil rights action. This matter proceeds on Plaintiff's Eighth Amendment excessive force claims against Defendants Arden, Gamboa, Garcia, Pasillas and Perez, and First Amendment retaliation claims against Defendants Arden, Gamboa, Garcia and Pasillas.

I. RELEVANT PROCEDURAL BACKGROUND

On July 7, 2023, this Court issued its Order Referring Case to Post-Screening ADR and Staying Case for 90 Days. (Doc. 23.) Specifically, the Court ordered the parties to file notice, within 45 days, indicating whether they believed an early settlement conference would be productive in this matter. (*Id.* at 2.)

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On August 18, 2023, Defendants filed a motion¹ indicating they did not believe an early settlement conference would be productive and seeking to opt out of early ADR. (Doc. 26.)

Because Defendants do not believe an early settlement conference would be productive, the Court will lift the previously imposed stay and issue a discovery and scheduling order.

II. CONCLUSION AND ORDER

Accordingly, **IT IS HEREBY ORDERED** that:

1. The previously imposed 90-day stay of this action is **LIFTED**; and
2. The Clerk of the Court is **DIRECTED** to issue a discovery and scheduling order in this matter.

IT IS SO ORDERED.

Dated: August 21, 2023


UNITED STATES MAGISTRATE JUDGE

¹ A motion is not necessary. When any party believes an early settlement conference would not be productive, filing the completed notice form provided by the Court (here, contemporaneous with its July 7, 2023 order) and indicating same, the Court will take the action it is taking here: lifting the previously imposed stay and directing the issuance of a discovery and scheduling order.